

NEBRASKA DEPARTMENT
OF INSURANCE

MAR 11 2004

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW, RECOMMENDED ORDER
PETITIONER,)	AND ORDER
)	
VS.)	CAUSE NO. A-1529
)	
SABRINA ANN WINEBRENNER,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 9th day of March, 2004, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its' attorney, Keri Schechinger. Sabrina Ann Winebrenner (Respondent) was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed insurance producer whose registered address with the Department of Insurance is Combined Insurance Company, 4601 Westown Parkway, Suite 132, West Des Moines, IA 50266. E4.
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
3. Respondent received notice of this hearing. E1.

4. On or about December 19, 2003, Barbara Ems, an Insurance Investigator for the Nebraska Department of Insurance sent a letter to Respondent at Respondent's business address, requesting that she answer certain questions regarding Department of Insurance File Number: 03-2102. Fifteen working days passed and Respondent did not respond to the December 19, 2003, letter from the Department. **E2, E6.**

5. On or about January 14, 2004, Jane Francis, Administrator for the Consumer Affairs Division of the Nebraska Department of Insurance sent a follow-up letter to the Respondent at her business address via certified mail, requesting that she answer certain questions regarding Department of Insurance File Number: 03-2102. The certified letter, dated January 14, 2004, was sent to Respondent by the Department was signed for by a Shannon Simmons on January 21, 2004. Fifteen working days passed and Respondent failed to respond to the January 14, 2004, letter from the Department. **E2, E7.**

6. The Department of Insurance sent notice of this cause of action to Respondent's last known home address but the letter was returned to the Nebraska Department of Insurance as "undeliverable as addressed." **E1.** The Department of Insurance also sent a copy of this petition to her business address. **E1.** As noted above, Respondent did not appear at the hearing.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to **Neb. Rev. Stat.** §44-101.01 and §44-4001 **et seq.**

2. The Department has personal jurisdiction over Respondent.

3. Respondent violated **Neb. Rev. Stat.** §44-1525(11), which denotes that it is a violation of the Unfair Trade Practices Act to fail to respond to a written inquiry from the

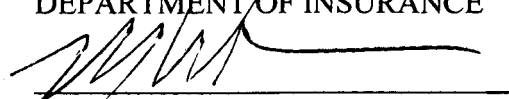
Department within fifteen (15) working days from the receipt of the inquiry or to request additional time to respond to the inquiry. Respondent violated this statute twice when she failed to respond to the letters from the Nebraska Department of Insurance. Additionally, Respondent violated Neb. Rev. Stat. § 44-4059(1)(b) twice. Under that statute, "the director may suspend, revoke, or refuse to issue an insurance producer's license or may levy administrative fine... for any one of the following causes: Violating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director."

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Insurance Producer's License be suspended until Respondent responds to the December 19, 2003 letter in a manner acceptable to the Nebraska Department of Insurance. Additionally, Respondent is to pay a \$3,000 fine. The \$3,000 fine is due within thirty days from adoption of this recommendation by the Director of Insurance of the State of Nebraska or his designee. The failure to pay this fine within thirty days may result in further administrative action by the Department of Insurance.

Dated this 9th day of March, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Martin W. Swanson
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Sabrina Ann Winebrenner, Cause No. A-1529.

Dated this 11th day of March, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 4601 Westown Parkway, Suite 132, West Des Moines, Iowa, 50266, by certified mail, return receipt requested, on this 11th day of March, 2004.

